

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Respondent,)	
)	CRIMINAL ACTION NO. 08-0067-CG-N
v.)	
)	CIVIL ACTION NO. 11-0216-CG-N
PAUL ANTONIO BURKE,)	
)	
Defendant/Petitioner,)	

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is ORDERED that the petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 is DISMISSED as a second or successive petition, and that petitioner is not entitled to issuance of a certificate of appealability or an order granting leave to appeal the judgment in this case *in forma pauperis*.

DONE this the 28th day of June, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE